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**Federal Communications Commission**

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Horvath Communications, Inc.	)	File No.: EB-FIELDSCR-14-00017266
Owner of Antenna Structure Nos.	)	
1292070, 1292314	)	
	)	NOV No.: V201532560001
Wilber, NE	)	
Crete, NE	)	

**NOTICE OF VIOLATION**

**Released: October 2, 2014**

By the District Director, Kansas City Office, South Central Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)<sup>1</sup> to Horvath Communications, Inc. (Horvath), owner of antenna structure numbers 1292070 and 1292314 in Wilber and Crete, Nebraska, respectively. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation(s) noted herein.<sup>2</sup>

2. On September 18, 2014, in response to a complaint that the lighting on the structures had been inoperative for several weeks after final construction, an agent from the Kansas City Office contacted Horvath and found the following violation(s):

- a. 47 C.F.R. § 17.21(a): "Antenna structures shall be painted and lighted when:  
(a) They exceed 60.96 meters (200 feet) in height above the ground or they require special aeronautical study." Horvath reported to the Commission's Antenna Structure Registration database that the structures are more than 79 meters in height above the ground and construction was completed by August 25, 2014. On September 18, 2014, Horvath investigated the matter and told an agent from this Office that neither of the structures were lighted. Horvath then notified the Federal Aviation Administration (FAA) of the outage and a Notice to Airmen was issued. Horvath later informed the Office that the structures had not been lighted since construction had been completed.

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<sup>1</sup> 47 C.F.R. § 1.89.

<sup>2</sup> 47 C.F.R. § 1.89(a).

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**Federal Communications Commission**

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3. In addition to the violation noted, please be aware that Horvath must also abide by the following Rules:

- a. 47 C.F.R. § 17.48(a): "... the owner of any antenna structure which is registered with the Commission and assigned lighting specifications... Shall report immediately by telephone or telegraph to the nearest Flight Service Station or office of the Federal Aviation Administration any observed or otherwise known extinguishment or improper functioning of any top steady burning light or any flashing obstruction light, regardless of its position on the antenna structure, not corrected within 30 minutes."
- b. 47 C.F.R. § 17.47(a): "... the owner of any antenna structure which is registered with the Commission and assigned lighting specifications... 1) Shall make an observation of the antenna structures lights at least once each 24 hours either visually or by observing an automatic properly maintained indicator designed to register any failure of such lights... 2) Shall provide and properly maintain an automatic alarm system designed to detect any failure of such lights and to provide indication of such failure to the owner."

4. Pursuant to Section 403 of the Communications Act of 1934, as amended,<sup>3</sup> and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Horvath Communications, Inc. must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.<sup>4</sup>

5. In accordance with Section 1.16 of the Rules, we direct Horvath Communications, Inc. to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Horvath Communications, Inc. with personal knowledge of the representations provided in Horvath Communications, Inc.'s response, verifying the truth and accuracy of the information therein,<sup>5</sup> and confirming that all of the information requested by this Notice which is in Horvath Communications, Inc. possession, custody, control, or knowledge has been produced. To

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<sup>3</sup> 47 U.S.C. § 403.

<sup>4</sup> 47 C.F.R. § 1.89(c).

<sup>5</sup> Section 1.16 of the Rules provides that "[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person . . . . Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'." 47 C.F.R. § 1.16.

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**Federal Communications Commission**

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knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.<sup>6</sup>

6. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission  
Kansas City Office  
520 NE Colbern Rd., 2nd Floor  
Lees Summit, MO 64086

7. This Notice shall be sent to Horvath Communications, Inc. at its address of record.

8. The Privacy Act of 1974<sup>7</sup> requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Ronald D. Ramage  
District Director  
Kansas City Office  
South Central Region  
Enforcement Bureau

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<sup>6</sup> 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

<sup>7</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).